IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34263 of 2006(D)

OPMV.30/2000 of ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM

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PETITIONER:

ANU SAMUEL, W/O.SAMUEL K.P.,
R/A.B-36, NTPC, ITTS,
NANGYARKULANGARA P.O., ALAPPUZHA.

BY ADV. SRI.C.V.MANUVILSAN
SRI.T.S.ARUN KUMAR

RESPONDENTS:

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1. C.P.SUBAIR,
S/O.PAREED, 44/1651 A,
CHAKKALAPARAMBIL, KALOOR,
ERNAKULAM.

2. MAHA SULAIMAN,
MAHA MANZIL, 33/2442 A,
THAMMANAM, KOCHI-32.

3. NATIONAL INSURANCE CO. LTD.,
REP. BY ITS BRANCH MANAGER,
ERNAKULAM.

4. THE ORIENTAL INSURANCE COMPANY,
REP. BY ITS BRANCH MANAGER,
ERNAKULAM.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.34263 OF 2006

Dated 21st December 2006

JUDGMENT

Petitioner is claimant in O.P.(M.V.)30/2000 on the file of Additional M.A.C.T, Ernakulam. Case was originally pending before M.A.C.T, Ernakulam. Petitioner filed Tr.P.C.163/05 to transfer that case to M.A.C.T, Alleppuzha. As per Ext.P2 order this court refused transfer and directed Additional M.A.C.T, Ernakulam to dispose the case expeditiously within a period of 45 days. Subsequently petitioner filed I.A.1165/06 in Tr.P.C.163/05, seeking extension of time. That was allowed under Ext.P3 order. This petition is filed under Article 227 of Constitution of India for a direction to Additional M.A.C.T, Ernakulam to consider the petition filed by petitioner to ascertain the disability after ascertaining the disability from the medical Board.

2. Learned counsel appearing for petitioner was heard.

3. According to learned counsel appearing for

petitioner, he had filed I.A.7157/06 to send him to the Medical Board for fixing his percentage of disability. It is for the Additional M.A.C.T to decide whether disability certificate is necessary. It is always better for the M.A.C.T to get an opinion of an expert, before awarding compensation as assessment of percentage of disability is a relevant matter. M.A.C.T is directed to pass appropriate order in I.A.7157/06. Time limit fixed by this court shall not go against petitioner for getting proper relief.

Writ petition is disposed of.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.